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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,485	09/17/2003	Daisuke Haba	393032040600	4364
7590 07/26/2007 David L. Fehrman Morrison & Foerster LLP Suite 3500 555 West 5th Street Los Angeles, CA 90013-1024			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/664,485		HABA, DAISUKE	
	Examiner		Art Unit	
	Disler Paul		2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/21/07 and 9/17/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 7,21 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibata ("6,801,630 B1).

Re claim 7, Shibata disclose of the electro-acoustic apparatus having a multiplicity of terminals, connecting with a plurality of electronic apparatuses through cords removably connected to said terminals, and controlling said electronic apparatuses (fig.3; fig.6); col.9 line 60 up to col.10 line 19), the electro-acoustic apparatus being small enough to be transportable (col.1 line 14-20), wherein a multiplicity of operators controlling said external electronic apparatuses connected through said cords are provided on a top surface of a body (fig.2B-C).

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Re claim 21, the electro-acoustic apparatus according to claim 8, wherein said electro-acoustic apparatus is an audio mixer (col.1 line 5-10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,8-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata ("6,801,630 B1) and O'Farrill ("5,738,328).

Re claim 1, Shibata disclose of an electro-acoustic apparatus being small enough to be transportable (fig.3,7; col.1 line 14-16), wherein a multiplicity of operators are provided on a top surface of a body (fig.2B-C), However, while Shibata disclose of the small portable electronic device, He fail to further disclose of the internal threads are provided on a under surface of a body, and said internal threads are adapted to be engaged with external threads provided at the upper end of a stand, thereby allowing said electro-acoustic apparatus to be

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fixed on the upper end of the stand and supported by the stand.

However, O'Farrill disclose of a system wherein internal threads are provided on a under surface of a body, and said internal threads are adapted to be engaged with external threads provided at the upper end of a stand, thereby allowing said electro-acoustic apparatus to be fixed on the upper end of the stand and supported by the stand (fig.3,9 ((18,14); col.3 line 58-60) for the purpose of stabilizing the device efficiently to prevent all normal movement. Thus, taking the combined teaching of Shibata and now O'Farrill as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Shibata, by incorporating such internal threads are provided on a under surface of a body, and said internal threads are adapted to be engaged with external threads provided at the upper end of a stand, thereby allowing said electro-acoustic apparatus to be fixed on the upper end of the stand and supported by the stand for the purpose of stabilizing the device efficiently to prevent all normal movement.

Re claim 8, the electro-acoustic apparatus according to claim 7, However, Shibata fail to disclose of the limitation wherein said internal threads are provided on a under surface of a body, and said internal threads are adapted to be engaged with external threads provided at the upper end of a stand, thereby allowing said electro-

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acoustic apparatus to be fixed on the upper end of the stand and supported by the stand. However, O'Farrill disclose of a system wherein internal threads are provided on a under surface of a body, and said internal threads are adapted to be engaged with external threads provided at the upper end of a stand, thereby allowing said electro-acoustic apparatus to be fixed on the upper end of the stand and supported by the stand (fig.3,9 ((18,14); col.3 line 58-60) for the purpose of stabilizing the device efficiently to prevent all normal movement. Thus, taking the combined teaching of Shibata and now O'Farrill as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Shibata, by incorporating such internal threads are provided on a under surface of a body, and said internal threads are adapted to be engaged with external threads provided at the upper end of a stand, thereby allowing said electro-acoustic apparatus to be fixed on the upper end of the stand and supported by the stand for the purpose of stabilizing the device efficiently to prevent all normal movement.

Re claim 9, the electro-acoustic apparatus according to claim 8, wherein said electro-acoustic apparatus is an audio mixer (col.1 line 5-10).

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5. Claim 2,10,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata ("6,801,630 B1) and O'Farrill ("5,738,328) and further in view of Miyoshi (5,762,168).

Re claim 2, the electro-acoustic apparatus according to claim 1, However, the combined teaching of Shibata and now O'Farrill as a whole, fail to teach of the groove is provided on said under surface of said body, the groove extending from one end of said under surface to the other end through the center of said under surface. But, Miyoshi disclose the groove extending from one end of said under surface to the other end through the center of the surface (fig.2-3; col. 2 line 20-32) for the purpose of easily transporting of the case and carrying by hand. Thus, taking the combined teaching of Shibata and O'Farrill and now Miyoshi as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Shibata and now O'Farrill as a whole, by incorporating the groove extending from one end of said under surface to the other end through the center of the surface for the purpose of easily transporting of the case and carrying by hand. The combined teaching of Shibata and O'Farrill and now Miyoshi as a whole, would have incorporate the further limitation wherein the internal threads are provided on said groove.

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Re claims 10,18 have been analyzed and rejected with respect to claim 2 above.

6. Claim 3,11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata ("6,801,630 B1) and O'Farrill ("5,738,328) and further in view of Miyoshi (5,762,168) and further in view of Stratton ("2003/0066410 A1).

Re claims 3, the apparatus of Shibata, which has been modified by O'farrill and further in view of Miyoshi and Stratton, meet the claim limitation as set forth in claim 4. (see claim 4 rejection).

Re claim 11,19 have been analyzed and rejected with respect to claim 3 above.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata ("6,801,630 B1) and O'Farrill ("5,738,328) and further in view of Miyoshi (5,762,168) and further in view of Stratton ("2003/0066410 A1) and further in view of Mercks (2002/0009205 A1).

Re claim 13, the electronic-acoustic apparatus according to claim 11, However the combined teaching of Shibata and O'Farrill and Miyoshi and Stratton as a whole, wherein the level meter is provided on the front part of the top surface. But, Mercs did disclose of a system wherein the level meter is provided on the front part of the top surface (fig.2; page 1[0015]) for the purpose of indicating the level strength signal by the microphone mixer. Thus, taking the combined teaching of Shibata and O'Farrill and Miyoshi and Stratton and now Mercs as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Shibata and O'Farrill and Miyoshi and Stratton as a whole, by incorporating the level meter is provided on the front part of the top surface for the purpose of indicating the level strength signal by the microphone mixer.

8. Claim 4,17,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata ("6,801,630 B1) and O'Farrill ("5,738,328) and further in view of Stratton ("2003/0066410 A1).

Re claim 4, the electro-acoustic apparatus according to claim 1, However, the combined teaching of Shibata and now O'Farrill as a whole, fail to teach of the wherein said electro-acoustic apparatus is formed to have a low front part and a high rear part, such that a top surface of said electro-acoustic apparatus has a low front part and a high rear part when placed on a table, and stays on a substantially horizontal position when mounted on said stand. But, Stratton disclose of an electro-acoustic device wherein to have a low front part and a high rear part, such that a top surface of said electro-acoustic apparatus has a low front part and a high rear part when placed on a performance stage stand, and stays on a horizontal position when mounted on said such stand (fig.1; page 1[0018]; page 1[0002] line 13-16) for the purpose transporting and retaining the sound effect device in an orderly manner. Thus, taking the combined teaching of Shibata and O'Farrill and now Stratton as a whole, it would have been obvious for one of the ordinary skill in the art to have modified the teaching of Shibata and O'Farrill as a whole, by incorporating the electro-acoustic device wherein to have a low front part and a high rear part, such that a top surface of said electro-acoustic apparatus has a low front part and a high rear part when placed on a performance stage stand, and stays on a horizontal position when mounted on said such stand for the purpose transporting and retaining the sound effect device in an orderly manner.

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Similarly, Re claims 17,20 have been analyzed and rejected with respect to claim 4 above.

9. Claims 15-16 ,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata ("6,801,630 B1) and O'Farrill ("5,738,328) and further in view of Miyoshi (5,762,168) and further in view of Stratton ("2003/0066410 A1) and further in view of Official notice.

Re claim 15, the electro-acoustic apparatus according to claim 11, However, the combined teaching of Shibata and O'Farrill and Miyoshi and Stratton as a whole, fail to teach of the wherein discoid supportive protrusions, projecting out of the under surface are provided at the vicinity of the four corners of the under surface of the body. However, official notice is taken the limitation of having the discoid supportive protrusions, projecting out of the under surface are provided at the vicinity of the four corners of the under surface of the body is commonly known in the art, thus it would have been obvious for one for one of the ordinary skill in the art to have modified Shibata and O'Farrill and Miyoshi and Stratton as a whole, by incorporating the teaching of having the discoid supportive protrusions, projecting out of the under surface are provided at the vicinity of the four corners of the under surface of the body for the

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purpose of stabilizing the device when positioned on the surface floor.

Re claim 16, the electro-acoustic apparatus according to claim 11, However, the combined teaching of Shibata and O'Farrill and Miyoshi and Stratton as a whole, fail to teach of having the switch and a connector terminal are provided on a rear panel which is formed on the rear of the body. However, official notice is taken the limitation of having the switch and a connector terminal are provided on a rear panel which is formed on the rear of the body is commonly known in the art. Thus it would have been obvious for one of the ordinary skill in the art to have modified the teaching of Shibata and O'Farrill and Miyoshi and Stratton as a whole, by incorporating the having the switch and a connector terminal are provided on a rear panel which is formed on the rear of the body for the purpose of disabling the device and as well as connecting the device to external electronic apparatus.

Re claim 12, the combined teaching of Shibata and O'Farrill and Miyoshi and Stratton as a whole teach of the electronic-acoustic apparatus according to claim 11 with the groove section, However, they fail to teach of the further wherein the groove has shallow depths at its front part and deep depths at its rear part. However,

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such concept of designing the apparatus with the groove has shallow depths at its front part and deep depths at its rear part is simply the inventor's preference, thus it would have been obvious for one of the ordinary skill in the art to have incorporate the concept of designing the apparatus with the groove has shallow depths at its front part and deep depths at its rear part for purpose of having additional included feature in the appearance designs of the apparatus.

10. Claim 5 is rejected under 35 U.S.C. 102(b) as being unpatentable over Shibata ("6,801,630 B1) and Miyoshi (5,762,168).

Re claim 5, Shibata disclose of the electro-acoustic apparatus having a multiplicity of terminals, connecting with a plurality of electronic apparatuses through cords removably connected to said terminals, and controlling said electronic apparatuses (fig.3; fig.6); col.9 line 60 up to col.10 line 19), the electro-acoustic apparatus being small enough to be transportable (col.1 line 14-20), wherein a multiplicity of operators controlling said external electronic apparatuses connected through said cords are provided on a top surface of a body (fig.2B-C). However, Shibata fail to disclose of the groove is provided on a under surface of said body, the groove extending from

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one end of said under surface to the other end through the center of said under surface.

But, Miyoshi disclose the groove extending from one end of said under surface to the other end through the center of the surface (fig.2-3;col. 2 line 20-32) for the purpose of easily transporting of the case and carrying by hand. Thus, taking the combined teaching of Shibata and now Miyoshi as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Shibata by incorporating the groove extending from one end of said under surface to the other end through the center of the surface for the purpose of easily transporting of the case and carrying by hand.

11. Claim 6 is rejected under 35 U.S.C. 102(b) as being unpatentable over Shibata ("6,801,630 B1) and Miyoshi (5,762,168) and further in view of Stratton ("2003/0066410 A1)

Re claim 6, the electro-acoustic apparatus according to claim 5, However, the combined teaching of Shibata and Miyoshi as a whole, fail to teach of the wherein said electro-acoustic apparatus is formed to have a low front part and a high rear part, such that a top surface of

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said electro-acoustic apparatus has a low front part and a high rear part when placed on a table, and stays on a substantially horizontal position when mounted on said stand. But, Stratton disclose of an electro-acoustic device wherein to have a low front part and a high rear part, such that a top surface of said electro-acoustic apparatus has a low front part and a high rear part when placed on a performance stage stand, and stays on a horizontal position when mounted on said such stand (fig.1; page 1[0018]; page 1[0002] line 13-16) for the purpose transporting and retaining the sound effect device in an orderly manner. Thus, taking the combined teaching of Shibata and Miyoshi and now Stratton as a whole, it would have been obvious for one of the ordinary skill in the art to have modified the teaching of Shibata and Miyoshi as a whole, by incorporating the electro-acoustic device wherein to have a low front part and a high rear part, such that a top surface of said electro-acoustic apparatus has a low front part and a high rear part when placed on a performance stage stand, and stays on a horizontal position when mounted on said such stand for the purpose transporting and retaining the sound effect device in an orderly manner.

Allowable Subject Matter

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12. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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